

REMARKS/ARGUMENTS

Claims 9-32 and 54-57 are active. Non-elected and withdrawn claims 1-9 and 33-53 have been cancelled. The claims have been revised in accord with the Examiner's suggestions for clarity and to remove claims to withdrawn, non-elected subject matter. Antecedent basis for the spacer sequences of claims 11 and 12 has been added at the end of claim 9. For proper antecedent basis the term "polypeptide fusion construct" now appears in claims depending from claim 9. Support for the amendment to claim 57 is found on page 19, lines 18-22. No new matter has been added.

Pre-Allowance Interview Summary

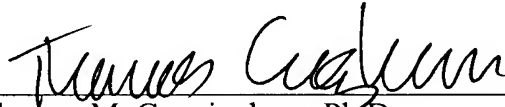
The Applicants thank Examiner Monshipouri for her initiative and effort in reviewing the claim language, numerous claimed amino acid sequences, and prior art to facilitate a first action allowance. To avoid an obviousness-type double patenting rejection, the Examiner requested that the Applicants file a terminal disclaimer over U.S. Patent No. 7,390,872, which also has a filing date of September 24, 2004 and claims priority to the same two U.S. provisional applications as the present case. The Applicants were advised to limit the claims to the specific sequences identified by SEQ ID NO and analogs of these sequences having one substitution. For conciseness and clarity, the Applicants were asked to remove the term "pathway" from the claim language. The Applicants pointed out a definition for the term "polypeptide having a high transduction potential" on page 19, lines 16-18 of the specification. Claim 13 refers to construct containing one such peptide (Ant, SEQ ID NO: 1) and claim 57 has been amended to refer to others, such as those disclosed on page 19, lines 19-22.

Conclusion

This application presents allowable subject matter and the Examiner is respectfully requested to pass it to issue. The Examiner is kindly invited to contact the undersigned should a further discussion of the issues or claims be helpful.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, L.L.P.
Norman F. Oblon



Thomas M. Cunningham, Ph.D.
Registration No. 45,394

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 07/09)